

REMARKS/ARGUMENTS

Claim status. Claims 28, 29, 40, 46 to 51, and 63 to 79 are pending. Claims 1 to 27, 33 to 39, 41 to 45, and 52 to 62 have been canceled. Claims 63 to 79 have been added.

The Office Action does not enter or acknowledge the Preliminary Amendment filed August 18, 2003. In order to advance prosecution, the Applicants hereby withdraw the Preliminary Amendment and submit the foregoing amendment based on the claims as originally filed. The Applicants respectfully request examination based on the claims as presented in this paper.

Support for amendments. The new and amended claims are supported in the specification as originally filed.

The amendment reciting AGP-3 (Claim 46) is supported at page 28, Table 3, row V.

The amendments concerning "a" and "b" and X^1 (Claims 63 to 65) are supported at Figure 2; page 11, line 4 to page 12, line 1; page 13, lines 6-10; and page 24, lines 18-26.

The amendments concerning L^1 and L^2 (Claims 66 to 68) are supported at page 68, lines 13 to 15.

The amendments concerning the library types (Claims 69 to 79) are supported at pages 3 to 4 and in original Claim 27.

Response to restriction requirement. The claims as amended fall within Invention III identified by the Examiner, and the Applicants hereby elect Invention III, with traverse as described below. The claims categorized as Inventions I, II, IV, V and VI by the examiner have been canceled.

The Examiner requested that Applicants select a single species of the composition that will recite all the variables of the formula. To comply with that request, the Applicants elect a species in which:

a is 1;

b is 0;

X^1 is $-(L^1)_c-P^1-(L^2)_d-P^2$;

c is 1;

d is 0;

L^1 is (Gly)₅;

L^2 is (Gly)₅;

P^1 is a peptide sequence that modulates the activity of AGP-3; and

P^2 is a peptide sequence that modulates the activity of AGP-3.

As the selection process, the Applicants select phage display.

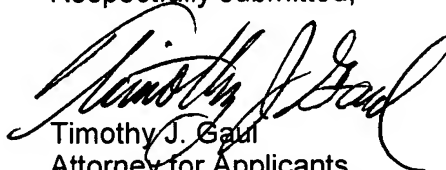
The foregoing election of species is embodied in the claims as amended. The species selected by the Applicants corresponds to the subject matter of claim 71.

The Applicants contend that all claims remaining after the foregoing amendments fall within Invention III. The Applicants further submit that no undue burden is imposed by searching based on all of these claims. All of the claims concern a process directed toward the same drug target (AGP-3) and the same molecular structure (set forth in Claim 46). To the extent the Examiner contends that any claim falls outside Invention III or cannot be searched without undue burden, the Applicants traverse such a restriction.

Conclusion. In light of the foregoing amendments and remarks, the Applicants respectfully request entry of all amendments and allowance of all claims.

The Commissioner is hereby authorized to charge any filing fees that may be required or credit any overpayment to Deposit Account No. 01-0519 in the name of Amgen Inc.

Respectfully submitted,



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